

REMARKS

The Examiner has objected to the drawings as failing to show the "lined plastic" (i.e., plastic liner material) of Claim 11. Applicant respectfully directs the Examiner's attention to Fig.2, element 32. Slit 32 clearly shows plastic disposed therebehind (the crosshatching within the rectangle of slit 32). Applicant is submitting herewith a proposed drawing correction and has hereinabove amended the specification to include the new reference numeral 33A. No new matter has been entered.

Turning to more substantive matters, the Examiner has rejected all of the claims of the instant application. Specifically, Claims 1, 2, and 4-15 were rejected under 35 USC § 102(b) as anticipated by Medow. Claim 16 was rejected as anticipated by Kay. The remaining claims were rejected as obvious under §103(a) in view of a variety of prior patents. Applicant respectfully traverses these rejections and has amended the independent claims to place the application in better form for further examination and, it is believed, in condition for allowance.

Applicant's invention is a convenient-to-use diaper bag that may be carried upon a shoulder and yet opened to expose its internal containing pockets by use of a single hand's operation. The bag includes a folded sheet forming a front panel 30 and a rear panel 40. Panels 30 and 40 have side edges which are securable together by side edge closing means for mating the two panels together. Because the claims recite side edge closing MEANS, the element is in means-plus-function language. As such, by statute, the claim element refers to the structure in the specification that performs the recited function.¹ Thus, the claim, by reciting side edge closing means, is incorporating the closures 14 disposed along the side edges of the panels as the claimed structure. The operation of the side edge closing means and the over-the-shoulder handle 16 together creates a mechanism for enabling the user to open the bag by using only one

¹Specifically, 35 USC § 112, sixth paragraph states: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." 35 USC § 112 (2002).

hand. The hand in question tugs or pulls downward on the outward-facing panel (i.e., the panel that is not against the wearer's body), and the bag flips open to expose the various internal compartments therein.

The cited prior art fails to teach or suggest this invention. Medow shows an activity tote having two hinged halves which meet together to form an enclosure. There is neither a teaching nor a suggestion of utilizing Velcro along the lateral edges for completely enclosing the sides of the pocketbook. Applicant's invention contemplates two panels which are hingedly connected together with the side edges of the panels being provided with velcro for sealing the edges thereof. Then, with at least one oversized handle for allowing the bag to be placed over a shoulder, the same hand of the shoulder can be used to open the a bag. This is not taught nor suggested by the Medow reference.

The Kay reference fails to make up for the deficiencies of the Medow patent. Kay shows panels hinged together with the sides being connected by a zipper. Applicant's invention, by providing the Velcro strips along the side edges, allows the one-handed opening of the diaper bag by merely pulling down one handle while maintaining the other handle over one's shoulder. This cannot be accomplished by a zipper mechanism, particularly one which encircles the perimeter of the bag as it does in Kay. The zipper would necessarily be travelling upwards for a portion of the opening maneuver, and it would be travelling laterally for another portion of the opening maneuver. This would be extremely difficult to execute with one hand, and one cannot open such a bag with a single hand while the bag remains on the shoulder of the opener. Thus, even assuming, *arguendo*, one could substitute the zipper of Kay into the device of Medow, there is still no teaching or suggestion of a structure which allows for the one-handed and single shoulder opening of a diaper bag.

The remaining prior art is equally deficient in teaching or suggesting a diaper bag that can be worn over a shoulder and simultaneously opened with but a single hand.

Applicant has hereinabove amended the claims to point out the distinctions between the invention and the cited art. Specifically, the independent claims have been amended to emphasize the side edge placement of the panel closing means and the oversized handle for the

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shoulder.

In view of the foregoing, Claims 1-18 are believed to recite patentable subject matter, and this application is believed to be in a condition of allowance. The prior art of record neither teaches nor suggests the invention, either when the various references are taken alone or in combination. **The Examiner is invited to telephone the undersigned to discuss any further changes that might be deemed necessary.** Prompt and favorable action toward the issuance of a patent is earnestly solicited and believed to be fully warranted.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. **02-2105**.

Respectfully submitted,

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LEVIsohn, LERNER, BERGER & LANGSAM, LLP
757 Third Avenue
Suite 2500
New York, New York 10017
(212) 486-7272


Andrew S. Langsam, Esq.
Reg. No. 28,556
Attorney for Applicant